

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No.2676 of 1989

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For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

AMIN S KADRI

Versus

RANJIT SINGH DHIRSINGH KHENGA

Appearance:

MR VM TRIVEDI for Petitioner
SERVED for Respondent No. 1
Shri M.A. Bukhari, Addl. PUBLIC PROSECUTOR for
respondent No. 2

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 23/09/97

ORAL JUDGEMENT :

On reading the complaint it is clear that prima facie offence is made out. The charge will be framed after recording evidence. Therefore, for the present I am not entering into the question as to whether the alleged offence under secs.403 and 406 on the one hand and offence under sec.420 on the other are said to have been made out or not.

2. So far as the grievance under order below exhibit 33 is concerned it is not possible to accept the contention raised on behalf of the petitioner that the accused is going to be examined as a witness. What is sought to be done is to get certain documents produced through the Secretary of a society, one Shri J.M. Verma, who is definitely not the accused of the complaint, a copy of which is produced at page 4. Only one of the accused, Amin S. Kadri, original accused no.1 has filed the present petition.

3. It may be noted here that after the matter was admitted and rule was issued in the month of November 1989, the matter has come up on board on several occasions. Learned advocate for the petitioner has not remained present of which note has been made on 18.1.1990 by Mr. Justice P.M. Chauhan, as he then was. Thereafter, the matter has come up on board on different occasions. But no progress could be made.

4. Today also, learned advocate for the petitioner is not present. However, this being Miscellaneous Criminal Application, is required to be considered on the basis of record produced on the file. When the aforesaid is the position, obviously the matter is to be brought to its logical conclusion.

5. It may be mentioned here that the original accused no.2 has moved this Court by way of Miscellaneous Criminal Application No.2173 of 1988 and it was withdrawn on 5.12.1988 saying that the said accused no.2, petitioner of said Miscellaneous Criminal Application No.2173 of 1988 has already applied to the trial court for discharge.

6. This would be one more reason as the charge being framed the present petition is not required to be entertained.

7. In the result, the petition is dismissed. Rule is discharged. Interim relief is vacated. No order as to costs.

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karim*